

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 DIANN SOKOLOFF
Supervising Deputy Attorney General
4 State Bar No. 161082
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2212
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2013-696*

12 **KATHLEEN ANNE THOMAS**
13 **A.K.A. KATHLEEN THOMAS**
14 **A.K.A. KATHLEEN A. THOMAS**
15 **A.K.A. KATHLEEN ANNE BUTCHER**
16 **19332 Riverwalk Drive**
17 **Porter, TX 77365**

A C C U S A T I O N

Registered Nurse License No. 621111

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about July 7, 2003, the Board of Registered Nursing issued Registered Nurse
24 License Number 621111 to Kathleen Anne Thomas, also known as Kathleen Thomas, also known
25 as Kathleen A. Thomas, also known as Kathleen Anne Butcher (Respondent). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought in the
27 Accusation and expired on October 31, 2010, and has not been renewed.

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OTHER LICENSE HISTORY

3. On or about August 20, 1991, the Oregon State Board of Nursing issued Registered Nurse License No. 091000502RN to Kathleen Anne Thomas. Oregon State Board of Nursing Registered Nurse License No. 091000502RN expired on September 1, 2006, and has not been renewed.

4. On or about October 9, 2003, the Colorado Board of Registered Nursing issued Registered Nurse License No. 165547 to Kathleen Anne Thomas. Colorado Registered Nurse License No. 165547 expired on September 30, 2005, and has not been renewed.

5. On or about May 6, 2004, the Maryland Board of Nursing issued Registered Nurse License No. R164762 to Kathleen A. Thomas. Maryland Registered Nurse License No. R164762 expired on September 28, 2004, and has not been renewed.

6. On or about August 22, 2005, the Texas Board of Nursing issued Registered Nurse License No. 720197 to Kathleen Anne Thomas. Texas Registered Nurse License No. 720197 expired on September 30, 2010, and has not been renewed.

7. On or about August 24, 2010, the Oklahoma Board of Nursing issued Registered Nurse License No. R0100411 to Kathleen A. Thomas. Oklahoma Board of Nursing Registered Nurse License No. R0100411 is currently suspended.

JURISDICTION

8. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

9. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811,

1 subdivision (b), of the Code, the Board may renew an expired license at any time within eight
2 years after the expiration. After the expiration of such eight-year period the board may require as
3 a condition of reinstatement that the applicant pass such examination as it deems necessary to
4 determine his present fitness to resume the practice of professional nursing.

5 11. California Code of Regulations, title 16, section 1419.3, provides that a licensee may
6 renew a license that has been expired for more than eight years by paying the renewal and penalty
7 fees specified in Section 1417 and providing evidence that he or she holds a current valid active
8 and clear registered nurse license in another state, a United States territory, or Canada, or by
9 passing the Board's current examination for licensure.

10 12. Section 118, subdivision (b), of the Code provides, in pertinent part, that the
11 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
12 action during the period within which the license may be renewed, restored, reissued or
13 reinstated.

14 **STATUTORY PROVISIONS**

15 13. Section 2761 of the Code states:

16 "The board may take disciplinary action against a certified or licensed nurse or deny an
17 application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

19 . . .

20 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
21 against a health care professional license or certificate by another state or territory of the United
22 States, by any other government agency, or by another California health care professional
23 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
24 action."

25 **COST RECOVERY**

26 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 DRUGS

5 15. "Geodon" is an anti-psychotic medication used to treat schizophrenia and the manic
6 symptoms of bipolar disorder and is a dangerous drug pursuant to Code section 4022. Geodon is
7 the brand name of the substance, Ziprasidone.

8 FIRST CAUSE FOR DISCIPLINARY ACTION

9 (Unprofessional Conduct – Out of State Discipline)

10 (Bus. & Prof. Code § 2761, subd. (a)(4))

11 16. Respondent has subjected her Registered Nurse License to disciplinary action under
12 Code section 2761, subdivision (a)(4), in that on or about April 23, 2009, in a disciplinary action
13 before the Texas Board of Nursing (Texas Board), In the Matter of Registered Nurse License
14 Number 720197 issued to Kathleen Anne Thomas, the Texas Board issued an Order
15 Reprimanding with Stipulations Respondent's Texas Registered Nurse License No. 720197. The
16 Order Reprimanding with Stipulations directed that Respondent be reprimanded and that she
17 comply in all respects with, among other things, the Nursing Practice Act, and the Texas
18 Occupations Code, sections 301.001, et seq.

19 17. The Disciplinary Action's Order included Findings of Fact, which were not
20 challenged and include, but are not limited to, the following:

21 a. Respondent was licensed to practice professional nursing in the State of Texas during
22 the pendency of that case. Respondent was licensed to practice professional nursing in the State
23 of Texas on August 22, 2005. At the time of the initial incident, Respondent was employed as a
24 Staff Nurse with East Houston Regional Medical Center, in Houston, Texas, and was in this
25 position for two years.

26 b. On or about April 15, 2008, while employed with East Houston Regional Medical
27 Center, Respondent inappropriately administered Geodon intravenously to Patient R. R.¹ Geodon

28 ¹ The patient will be referred to by initials only in order to preserve confidentiality.

1 is a rapid onset antipsychotic medication, which can only be administered orally or
2 intramuscularly. Patient R. R. immediately went into cardiac arrest and died. Respondent's
3 conduct may have contributed to the patient's demise.

4 c. In response to the above incident, Respondent states that she questioned the order to
5 administer the medication intravenously (IV) and asked another RN if she had ever given that
6 drug intravenously. Respondent states that the nurse answered in the affirmative. Respondent
7 states that she had given the drug intravenously in the past (at a different hospital) and had read a
8 "scholarly journal publication" which included a case study where Geodon was administered
9 intravenously. It was based on these factors that Respondent proceeded to give the Geodon
10 intravenously in a "slow push" fashion. The physician was in the room and it was under his
11 supervision that Respondent administered the Geodon to the patient.

12 18. Based upon the above findings of fact, the Texas Nursing Board made Conclusions of
13 Law that Respondent violated Texas Occupational Code section 301.452, subdivision (b)(10), by
14 engaging in unprofessional or dishonorable conduct likely to deceive, defraud, or injure a patient
15 or the public. The Texas Board made an additional Conclusion of Law that Respondent violated
16 Texas Occupational Code section 301.452, subdivision (b)(13), by failing to care adequately or
17 failing to conform to the minimum standards of acceptable nursing practice in a manner likely to
18 expose a patient or other person unnecessarily to risk of harm.

19 **SECOND CAUSE FOR DISCIPLINARY ACTION**

20 (General Unprofessional Conduct)

21 (Bus. & Prof. Code §2761(a))

22 19. Complainant realleges the allegations set forth in paragraphs 16, 17, and 18 above,
23 which are incorporated by reference as if fully set forth.

24 20. The conduct as alleged in paragraphs 16, 17, and 18 above, constitutes general
25 unprofessional conduct, and provides grounds for discipline, under the non-inclusive provisions
26 of Code section 2761, subdivision (a).

27 **PRAYER**


28 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
and that following the hearing, the Board of Registered Nursing issue a decision:

1 1. Revoking or suspending Registered Nurse License Number 621111, issued to
2 Kathleen Anne Thomas aka Kathleen Thomas, Kathleen A. Thomas, Kathleen Anne Butcher
3 (Respondent).

4 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
5 the investigation and enforcement of this case, pursuant to Business and Professions Code section
6 125.3; and

7 3. Taking such other and further action as deemed necessary and proper.

8
9 DATED: MARCH 2, 2013

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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